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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY****NPR 3300.1C**Effective Date: November 01,  
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Request Notification of Change (NASA Only)

**Subject: Employment, Appointment Authorities, and Details****Responsible Office: Office of Human Capital Management**[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [Chapter8](#) |  
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## Chapter 4. Appointment of Foreign Nationals

### 4.1 Approvals

4.1.1 The Agency may appoint foreign nationals having special qualifications in the fields of aeronautical and space research as determined by the Administrator to be necessary and in the public interest in accordance with § 5 U.S.C. 20113(j). HR Directors shall forward requests for approval to appoint foreign nationals to the Administrator through the AA, OHCM in accordance with paragraph 4.3 below.

4.1.2 NASA's Schedule A authority in 5 CFR 213.3148 is the authority most often used for the appointment of foreign nationals. Under this authority, the Agency may appoint up to 150 foreign national scientists having special qualifications in the fields of aeronautical and space research.

4.1.3 Unless otherwise delegated, the Administrator retains authority to approve new appointments, details, and extensions of all foreign nationals.

4.1.4 The Administrator's approval is required before initiating paperwork to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS).

### 4.2 Qualification Requirements

4.2.1 For permanent and non-permanent employment, foreign nationals should meet qualification requirements for the position being filled. For employment as an expert or consultant, foreign nationals will possess qualifications that exceed those prescribed for comparable work in the competitive service or be otherwise eminently qualified for the specific position.

### 4.3 Appointment Procedures

4.3.1 Requests for approval to appoint a foreign national will include a brief description of the duties of the position, justification for the proposed employment, and the following:

- a. The functional and organizational titles of the position, as well as grade level or rate of compensation.
- b. The name of the organization and duty location of the position.
- c. A description of the prospective appointee's special skills and qualifications. If the appointment is to an expert or consultant position, it will also include a description of how the individual meets the criteria for appointment in accordance with 5 CFR 304 and this directive.
- d. The resident status and type of visa of the foreign national (and spouse and children, if applicable) as established by the DHS.
- e. A completed resume.

f. A position description.

g. If applicable, NASA Form 452, Request for Services of Consultant or Expert.

*Note: Reference NASA Desk Guide on the Employment of Noncitizens.*

4.3.2 Documentation to meet special security requirements. All requests for approval to appoint foreign nationals will include the following as well as any additional requirements established by the Offices for International and Interagency Relations and Protective Services:

a. A statement signed and dated by the foreign national applicant indicating:

(1) Whether they have formally declared intent to become a U.S. citizen and, if not, their intent to become a citizen if employed by NASA.

*Note: This is not a requirement for foreign nationals being considered for non-permanent employment except in positions requiring access to classified information.*

(2) Whether the foreign national or spouse has any relatives residing in designated countries, as determined by the U.S. export control regulations, and, if so, the name, relationship, age, address, occupation, and description of the nature and extent of contact with each such relative.

*Note: A designated country is a country that meets one or more of the following criteria: country with which the U.S. has no diplomatic relations; country determined by the Department of State to support terrorism; country under sanction or embargo by the U.S.; or country of missile technology concern. For up-to-date information pertaining to the designated country*

list, contact the Center's export control administrator.

b. A Memorandum for Record from the Center's security office reflecting the level of access to classified information, as established by the duties that will be performed or a statement that the foreign national will be assigned duties which do not involve access to classified information. The memorandum will indicate that the required security documentation has been reviewed, is adequate and complete, and that there are no apparent factors which would preclude granting access.

c. Visa Reclassification. Foreign nationals offered employment shall be legally admitted to the U.S. for permanent residence or otherwise authorized by the DHS to be employed. Foreign nationals who do not need a valid Alien registration receipt card (green card), Form I-551, may be sponsored for visa reclassification by the Agency. The Center will forward (after the Administrator's approval) USCIS Form I-140, Immigrant Petition for Alien Worker, and required documentation to the USCIS Service Center with jurisdiction over the location where the foreign national will be employed.

d. Waiver of Residence Abroad Requirements (two-year foreign residence requirements). If it is necessary to obtain this waiver for a foreign national in the U.S. on the J-1 Exchange Visitor Program, the Center will follow the policies and procedures in NPD 1371.1 and NPR 1371.1.

4.3.3 Submission of Request. After approval and signature of the Center Director, the HR Director or Center designee will forward the request for approval to appoint a foreign national to the AA, OHCM.

4.3.3.1 The AA, OHCM will coordinate the package with the Assistant Administrators for International and Interagency Relations and Protective Services, appropriate Headquarters organizations, and the General Counsel, before submitting to the Administrator for approval.

## 4.4 Transportation

4.4.1 When the transportation of the appointee and dependents and shipment of household goods to the first duty station are authorized under 5 U.S.C. 5723, the appointee shall execute NASA Form 420, Service Agreement - First Duty Station Appointment.

## 4.5. Change in Citizenship

4.5.1 The Center shall provide a written notice to the foreign national, on or before the date of appointment, informing them of their responsibility to notify their HR Office immediately of any changes in visa or citizenship status. The written notice will inform the foreign national that they are to submit the naturalization data to the HR Office within ten days after the status change (e.g., the foreign national obtains U.S. citizenship.)

4.5.2 Upon notification of obtaining U.S. citizenship status, the HR Office shall:

a. Review the appointment to determine if the employee is eligible for continued employment. If determined ineligible, take appropriate action to terminate the appointment.

- b. As applicable, advise appointee on steps to competitively convert to the competitive service.
- c. Submit to the AA, OHCM the foreign national's naturalization certificate number, the effective date, and the name and location of the court. This information will also be provided to the Center's security office.

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